

SUSAN S. MUCK (CSB NO. 126930)
DEAN S. KRISTY (CSB NO. 157646)
CHRISTOPHER J. STESKAL (CSB NO. 212297)
CATHERINE DUDEN KEVANE (CSB NO. 215501)
EMILY ST. JOHN COHEN (CSB NO. 239674)
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350
smuck@fenwick.com
dkristy@fenwick.com
csteskal@fenwick.com
ckevane@fenwick.com
ecohen@fenwick.com

Attorneys for Defendants
Connetics Corp., John L. Higgins, Lincoln Krochmal,
C. Gregory Vontz, and Thomas G. Wiggans

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. C 07-02940 SI

IN RE CONNETICS CORP.
SECURITIES LITIGATION

**STATEMENT OF RECENT DECISION IN
SUPPORT OF MOTION TO DISMISS
PLAINTIFF'S AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT BY
DEFENDANTS CONNETICS CORP., JOHN
L. HIGGINS, LINCOLN KROCHMAL, C.
GREGORY VONTZ, AND THOMAS G.
WIGGANS**

Date: October 19, 2007
Time: 9:00 a.m.
Dept: Courtroom 10, 19th Floor
Judge: Honorable Susan Illston

1 Defendants Connetics Corp., John L. Higgins, Lincoln Krochmal, C. Gregory Vontz, and
2 Thomas G. Wiggans hereby submit a recent decision in support of their Motion to Dismiss
3 Plaintiff's Amended Consolidated Class Action Complaint, pursuant to Northern District of
4 California Civil Local Rule 7-3(d). Attached hereto as Exhibit 1 is a copy of *In re Cyberonics*
5 *Inc. Sec. Litig.*, No. H-05-2121, 2007 WL 2914995 (S.D.Tex. Oct. 4, 2007), affirming the
6 decision cited by defendants in their Moving Memorandum of Points and Authorities filed August
7 13, 2007 at pages 11-13, 23-25. This authority is also pertinent to defendants' Reply
8 Memorandum filed October 4, 2007 at pages 13-18. It was not available to defendants as of the
9 time they submitted such pleadings.

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11 Dated: October 17, 2007

FENWICK & WEST LLP

12
13 By: /s/ Christopher J. Steskal
14 Christopher J. Steskal

15 Attorneys for Defendants Connetics Corp.,
16 John L. Higgins, Lincoln Krochmal,
17 C. Gregory Vontz, and Thomas G. Wiggans
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FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

PROOF OF SERVICE

The undersigned declares as follows:

I am a citizen of the United States and employed in San Francisco County, State of California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Fenwick & West LLP, San Francisco California, 555 California Street, 12th Floor San Francisco, California 94104. On the date set forth below, I served a copy of the following document(s):

STATEMENT OF RECENT DECISION IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S AMENDED CONSOLIDATED CLASS ACTION COMPLAINT BY DEFENDANTS CONNETICS CORP., JOHN L. HIGGINS, LINCOLN KROCHMAL, C. GREGORY VONTZ, AND THOMAS G. WIGGANS

on the interested parties in the subject action by placing a true copy thereof as indicated below, addressed as follows:

Victor E. Zak
24 Oakmont Road
Newton Center, MA 02459

☒ **BY OVERNIGHT COURIER:** by placing the document(s) listed above in a sealed envelope with a prepaid shipping label for express delivery and causing such envelope to be transmitted to an overnight delivery service for delivery by the next business day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Date: October 17, 2007

/s/ Carmelita Procida
Carmelita Procida

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ATTORNEYS AT LAW
SAN FRANCISCO